

IN SENATE OF THE UNITED STATES.

APRIL 11, 1848.

Submitted, and ordered to be printed.

Mr. MASON made the following

REPORT:

The Committee of Claims, to whom was referred the "petition of James Edwards, for payment for losses by the destruction of property during the Seminole war," have had the same under consideration, and respectfully report:

It appears, from the narrative of the petitioner, that he resided, in the years 1833-'34, at Micanopy, in the then Territory of Florida, where he had, by his industry, accumulated some property. During the war with the Seminole Indians, Micanopy became the object of attack, and was defended, at first, by the inhabitants, and subsequently by a body of United States troops, under the command of Major Pearce. Owing to the advances of the savages, the petitioner, with others, removed their personal property within the works erected for the defence of the place, the dwelling house and out buildings of the petitioner being occupied by the troops, under whose protection they remained for a time safe. At length it became necessary, in the opinion of those in command, to evacuate the place, which was accordingly done. Shortly after the evacuation the property was destroyed by fire, in pursuance, as alleged, of an order issued by Major Pearce, the officer commanding; and the petitioner now asks indemnity for the destruction, caused, as he says, by the act of the agent of the government.

Of the destruction of the property there is no doubt; and the only question to be disposed of, is, whether such destruction was the consequence of ordinary Indian outrage, for which the government is not held to be answerable, or of an order issued by an officer of the United States, duly authorized to give such an order. The petitioner alleges that Major Pearce gave the order in question; but, in the opinion of the committee, no evidence of this should be received, other than the testimony of that officer himself, or at least, of some officer under his command, unless the absence of such direct testimony be previously accounted for in a satisfactory manner. The property of the petitioner, in the present instance, had, moreover, been placed by him, as he says, within the military defences, for protection, where it was taken care of until

it was deemed proper by the officer commanding to abandon the position.

For these reasons the committee are of opinion that the prayer of the petitioner should not be granted; and recommend the adoption of the accompanying resolution:

Resolved, That James Edwards is not entitled to relief.

REPORT

The Committee of Claims, to whom was referred the petition of James Edwards, for payment for losses by the destruction of property during the Seminole war, have had the same under consideration, and respectfully report:

It appears from the narrative of the petitioner, that he resided in the year 1813-14 at Micanopy, in the then Territory of Florida, where he and by his industry, accumulated some property. During the war with the Seminole Indians, Micanopy became the object of attack, and was destroyed at first by the Indians, and subsequently by a body of United States troops, under the command of Major Pearce. Owing to the advances of the savages, the petitioner, with others, removed their personal property within the works erected for the defence of the place, the dwelling house and out buildings of the petitioner being occupied by the troops, under whose protection they remained for a time safe. At length it became necessary, in the opinion of those in command, to evacuate the place, which was accordingly done. Shortly after the evacuation the property was destroyed by fire, in pursuance, as alleged, of an order issued by Major Pearce, the officer commanding, and the petitioner now seeks indemnity for the destruction, caused, as he says, by the act of the agent of the government.

Of the destruction of the property there is no doubt; and the only question to be disposed of is, whether such destruction was the consequence of ordinary Indian outrage, for which the government is not held to be answerable, or of an order issued by an officer of the United States, duly authorized to give such an order. The petitioner alleges that Major Pearce gave the order in person; but in the opinion of the committee, no evidence of this should be received, other than the testimony of that officer himself, or at least of some officer under his command, unless the absence of such direct testimony be previously accounted for in a satisfactory manner. The property of the petitioner, in the present instance, had, moreover, been placed by him, as he says, within the military defences for protection, where it was taken care of and